

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MIDDLEBY MARSHALL INC.)	
)	
and)	
)	
G.S. BLODGETT CORPORATION)	
)	
Plaintiffs,)	Civil Action No. 08 C 369
)	
v.)	The Honorable Ruben Castillo
)	U.S. District Court Judge
PIZZA EQUIPMENT SUPPLY,)	
INC.)	The Honorable Geraldine Soat Brown
)	U.S. Magistrate Judge
Defendant)	

**DEFENDANT’S MOTION TO DISMISS OR, ALTERNATIVELY,
TO TRANSFER TO NORTH CAROLINA**

Defendant, PIZZA EQUIPMENT SUPPLY, INC. hereby moves this Court to dismiss this action for lack of personal jurisdiction or improper venue, or in the alternative, transfer this action to the Western District of North Carolina, on the basis of convenience to the parties and witnesses and in the interest of justice. In support of said Motion, Defendant, Pizza Equipment Supply, Inc., respectfully submits herewith its Memorandum in Support of Defendant’s Motion to Dismiss or, Alternatively, Transfer to North Carolina and supporting Declarations. In the interest of the Court’s convenience, Defendant has avoided bringing a separate motion to file certain information under seal by withholding certain confidential sales figures from inclusion in its Memorandum and the Declaration of Marcus Bramhall. Defendant has, however, included the

percentage of its total sales that correspond to the confidential sales figures. Notwithstanding, if the Court prefers to see the confidential sales figures, Defendant is happy to bring a motion to file same under seal.

Respectfully submitted,

March 7, 2008

/s/ Kevin J. McDevitt

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*Attorneys for Defendant
Pizza Equipment Supply, Inc.*

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on March 7, 2008 he caused a true and correct copy of the foregoing NOTICE OF MOTION, DEFENDANT'S MOTION TO DISMISS OR, ALTERNATIVELY, TO TRANSFER TO NORTH CAROLINA, MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS OR, ALTERNATIVELY, TO TRANSFER TO NORTH CAROLINA, DECLARATION OF BRETT M. HUTTON and DECLARATION OF MARCUS BRAMHALL to be served electronically via CM/ECF on the following counsel of record:

Charles A. Laff, Esq.
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/s/ Kevin J. McDevitt

One of the Attorneys for Defendant,
PIZZA EQUIPMENT SUPPLY, INC.